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MR 4	40356/1285	ITOHAMA 09/436,633	1.E.T d check for \$1280.00 No. 16990	YEMA 10:50 a.m
MR 5	40356/324	TAKAZAWA 09/671,146	1.E.T d check for \$1280.00 No. 16989	YEMA 10:51 a.m
MR 6	40362/230	OKAMOTO 09/515,856	1.E.T d check for \$1280.00 No. 16988	YEMA 10:52
MR 7	16907/1982	SHIRASHI 09/377,906	1.E.T d check for \$1280.00 No. 16908	YEMA 10:53
MR 8	65398/101	FERRELL 09/537,841	Station letter	di 10:58
MR 9	35267/102	(E.I) Settel Trans Spec Dev 4 Naga, ct # 17451 (\$510)	Apple Tree Named 'CUMI'	LJP 10:05
MR 10	36671/114	Armstrong 09/983,998	let to convert to Prev. Appl. for Transmittal Data Sheet, cls, 17322 + 7449	7:15 - 1:15 p.m
MR 11	87147/205	Delia (16) Asado 09/150	Reg. in ID of Brand Opinion in dup.	01 2:23
MR 12	65691/173	Teleson et al 09/544,618	Amendment w/ Mark up Version (6 pgs)	JSA 2:30pm
MR 13	16910/429	SEKIMURA 09/335,703	Amendment 1.116; mo EOT and check 17458 for \$110.00	KL5/TJB sup 2:30
MR 14	16915/234	CONHUN 09/744,591	Supplemental Amendment Proposed Ch. to the DOW	2:45 mag
MR 15	216907/1136	SHODA - Non-Eng Pat. Appl. (31 pgs) w/Transm, 6 shls Inf. Drgs; Dec/Pat; Assn + Cover, 109/1449/1Ref. Check 17460 (\$166) 2:50		
MR 16	016107/1337	MURAKAMI - Non-Eng. Pat. Appl. (35 pgs) w/Transm, 15 shls Inf. Drgs; Dec/Pat, Assn + Cover, 109/1449/1Ref. Check 17459 (\$90) 2:51		
MR 17	40301/555	Sato 09/237,900	Transmittal Cover sheet, Reply, ch 17454 \$46.2, cw 3:10	
MR 18	40301/517	Aeki 09/088,935	Transmittal Cover sheet, Reply, ch 17456 \$130, cw 3:16	
MR 19	72982/206	Sakata 09/630,771	Id. 101440 form & Refs. -2	
MR 20	40679/1352	Murasugi 09/936,811	109/1449/7 ref	3:25 p.m
MR 21	16777/104	Wieczorek 09/ National Chase	TL (Prev) And/ Translation/ 1 sheet Org/ CK # 17457 \$1020.00	9:23
MR 22	40302/282	Nakamura New Appl	TL spec/ Dig/ Dev/ As/ cl 105/ CK # 17364 \$1832.00	9:23
MR 23	17399/193	Van Haas 09/689,906	- Status Inquiry	3:30 mag
MR 24	59837/105	Kim 09/946,928	- IDS, Form 170/449 and 11 References	8:32 mag
MR 25	081356-0114	TOMIZUKA 09/033,936	IDS, Form 1449 and 9 Refs; check # 17450 for \$180.00	10:3:40pm
MR 26	84234/104	09/943,023	Claim 23, Amendment 1, Priority Docs.	4:15
MR 27	7813/112	Kim 09/942,573	MTMP, Dec 1, Priority Docs.	4pm
MR 28	7813/112	Kim 09/942,573	Assignment 410 17463	4pm
MR 29	49159/207	USS 571783	Org. Ltr. Refert + Dec 1	4pm
MR 30	4554/208	Lang 09/767,683	CK # 17460 455 - EOT (1) Amendment + Reply	4:01 mag
MR 31	84671-101	Lang et al 09/350,994	Am. Trans. Amendment EOT. CK # 17464 455 w	4:15
MR 32	72491-270	NTT 3155143	17330,684 CK # 17461 CK # 150.00, SEUT, TRANS LTR.	4:30 am
MR 33	16787/205	Apple Corps	Amended v. Mac Capidos Production, Ltd	
MR 34	51432/106	Consolidated Motion to Suspend Processing	in triplicate 430/607	
MR 35	80187/394	NEBRASKA MATTER R. 2,462,465	29st for corrected of Ch 451/607	440SL
MR 36	76905/101	Big Nebraska PETITION 15996	Submission of Sequence Listing to EPO	
MR 37	80004/135	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 38	80004/135	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 39	63223/126	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 40	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 41	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 42	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 43	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 44	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 45	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 46	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 47	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 48	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 49	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45
MR 50	47912/138	Geostatic Mining Corp	Declaration POA, Petition for Assignment	4:45

Monday, November 17, 2001

CLM#

MR#

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MR 1	028355/0130	EICHORN 09/10819 CK #17472 740.00 CPA, Prelim Amend, Appl Data Sheet SEH 11:55 AM
MR 2	081948/0178	MUKAMATSU 09/26591 Amend SEH 11:57 AM
MR 3	167994/295	Tim Esberikidz 75/799746 Reg. Cancellation of Int. Accumulation
MR 4	16887/1087	ISHII 09/125234 Supplemental Reply 1.116, Imo EAT, Copy of Declaration, Copy of 5 Filed Amendment 1.116, and Check 17485 for \$110.00 RLS 17485MP 2:10
MR 5	47588/112	Malinski 09/352,262 Petition for Withdrawal of Appl. RCE, Formal Docs (R) 7/30/17499 17499 2:20pm (2:30)
MR 6	40373-265	TERAUCHI 09/299,103 Amendment Nonmaterial Amendment
MR 7	85874-240	Azima 09/561,344 - IF, FD's (2 shts Fig. 1-4) + CK. 17469 for \$1280 2:35pm
MR 8	85874-200	BANK 09/497,655- 105, 1449, copy of Search Rpt, No. 6 (5) 2:35pm
MR 9	85874-296	BRIAN 09/1738, 891- 105, 1449, copy of Search Rpt + Refs (5) 2:35pm
MR 10	8948-226	Cheng chn two 09/203,805 Fax assignment, PC & cover sheet to Assignment BRANCH 2:35pm
MR 11	76125-103	Holch New Trev. Appl. 4 copies of Petents + 1102 17491 3:40pm
MR 12	74124/452	Toussier - Mueda 09/142,755 EOT(5) Reply CK #17488 \$400.00 3:50 AM
MR 13	17981/115	K. Shinmura 09/375,416 Issue Fee, TL Formal Draw, 30 sheets (R) 14-200 512 And. ck #17470 \$1280 4:12 AM
MR 14	38002/1127	Plowman 09/815,309 EOT(5), Processsing + Retention Fee CK #17492 \$1280.00 4:12 AM
MR 15	016907/1338	FUFAYA - Non-Eng. Pat. Appl. #/Transm (18 pgs), 5 shts of Draw, Dec/POA, Assn (over), 105/1449/3 Refs, Check 17494 (\$910) 4:16 PM
MR 16	016907/1266	WATANABE 09/934,574 - MP Transm, Eng. Transl. (58 pgs) w/ Statement, 7 shts FD, Copy of NTMP 4:17 PM
MR 17	016907/1280	DAKI 09/148,667 - MP Transm, Eng. Transl. (32 pgs) w/ Statement, 6 shts FD, Copy of NTMP 4:18 PM
MR 18	016907/1284	HAKAMADA 09/948,637 - MP Transm, Eng. Transl. (20 pgs) w/ Statement, 4 shts FD, Copy of NTMP 4:19 PM
MR 19	093337/0125	YU 09/934,784 - MP Transm, Dec/POA, Sub-5 pgs, Copy of NTMP, Check 17493 (\$615.00) 4:20 PM
MR 20	38002/1292	Plowman cont. of 09/815,309 TL (3 pgs), Preliminary (3 pgs), 283 pgs Spec. Claims, Abstract, 11 Drawings (5 pgs) 4:30 PM
MR 21	38002/1293	Seeger 09/101,764, Amered, 2 EOT, 5 x 15, Ch #17495 \$290.00 4:45 PM
MR 22	174164/113	Schneider 09/120,299, Amered, 2 EOT, 5 x 15, Ch #17496 \$290.00 4:46 PM
MR 23	87558/103	Oliver 3 Olives Prov App "Lettuce Variety PX408" Trans. Spec. Clms, Abs, CK #17473 (\$870) 5:05 PM
MR 24	064951/0156	Assignment - Recordation Cover Sheet CK #17401.00 #17483 5:05 PM
MR 25	064951/0156	Decl, copy notices, Transm. Refs, Conf under 37 CFR 3.37(b) CK #17484 \$170.00 5:07 PM
MR 26	40356/115	Fishi-zu New App. w/ Dec. Answer, 105 cc CK #17408 \$170.00 5:08 PM
MR 27	40356/115	Graben New App. w/ Dec. Answer, 105 cc CK #17408 \$170.00 5:08 PM
MR 28	---	BFS RETAIL & COMMERCIAL OPERATIONS, LLC, Recordation cover sheet 5:31 PM
MR 29	---	IN ONLY, Assignment 5:31 PM
MR 30	---	FIRESTONE POLYMERS LLC: Recordation cover sheet, TM ONLY assignment 5:31 PM
MR 31	---	BFS DIVERSIFIED PRODUCTS, LLC: Recordation cover sheet, TM ONLY assignment 5:31 PM
MR 32	---	BFS BEARDS, LLC: Recordation cover sheet, TM ONLY assignment 5:31 PM
MR 33	---	Fires 1613 POLYMERS, LLC: Recordation cover sheet, Patent only assign 5:31 PM
MR 34	51874-112	BFS DIVERSIFIED PRODUCTS: Recordation cover sheet, Patent only assign 5:31 PM
MR 35	---	Merrow et al. 09/976,056 - Amer. by Corr. Suppl. Papers, Trans. by Journal 5:57 AM
MR 36	47073-140	Swage w/ 5 Sheets (Sigs 1-9) and Copy of U.S. Pat. App. Papers 5:57 AM
MR 37	---	Van der Veur 09/109,198 - It. Transm. w/ 1840 CK #17481 and Trans 5:58 AM
MR 38	67238-108	Journal Draw, 16 Sheets, Sigs 1-10 5:58 AM
MR 39	---	Quabine 09/601,167 - It. Transm. w/ 1840 CK #17481 and Trans 5:59 AM
MR 40	45057-125	and Journal Draw, 16 Sheets, Sigs 1-10 6:00 AM

47589-112	Malinoski 09/352,262 Petition for withdrawal of Appl. PCE, Trans. Dugs (R) 1/30/00 17490 \$ 740 1789 2:30 PM	2:10
40373-245	TERAUCHI 09/249,103 Amendment Transmittal, Demandment	
85874-240	Azima - 09/561,344 - 1E, FD's (2 slts Figs. 1-4) + CK, 17469 for \$1280	2:35 PM
85874-200	BANK - 09/497,655 - 10S, 1449, copy of Search Rpt., Refs (5)	2:35 PM
85874-296	BRIAM - 09/738,891 - 10S, 1449, copy of Search Rpt. + Refs (5)	2:35 PM
89018-226	Chang Chu Kuo 09/703,805 Fax Assignment, PC & cover sheet to Assignment Branch	3:30 PM
70425-103	Holich New Prov. Appl. 4 copies of Patents, 1/6/00 17491	3:30 PM
74129/452	Togasaki - Maeda 09/142,755 EOT (5), Reply. CK #17488 \$400.00	3:50 AM
17981/115	Kishimoto 09/375,416 Issue Fee, TL Form and Draw, 208 sheets (Eq. 1A-20B) 512 And. CK #17470 \$1280	4:12 AM
38002/1127	Plowman 09/815,309 EOT (5), Procedure + Reduction Fee. CK #17492 \$2090.00	4:12 AM
016907/1338	FUKAYA - Non-Eng. Pat. Appln #/Transm (18 pgs), 5 slts. Inf. Dwg. Dec/POA, Assn. Covr., 105/1449/3 Refs. Check 17474 (\$910)	4:16 AM
016907/1266	WATANABE - 09/934,574 - MP Transm., Eng. Transl. (58 pgs) w/ Statement, 7 slts. FD, Copy of NTFRMP	4:17 AM
016907/1280	OGAKI - 09/948,667 - MP Transm., Eng. Transl. (36 pgs) w/ Statement, 6 slts. FD, Copy of NTFRMP	4:18 AM
016907/1284	HAKAMADA - 09/948,637 - MP Transm., Eng. Transl. (20 pgs) w/ Statement, 4 slts. FD, Copy of NTFRMP	4:19 AM
03333/10125	YU - 09/934,784 - MP Transm. Dec/POA, Sub-Spec., Copy of NTFRMP, Check 17493 (\$615.00)	4:20 AM
38002/1292	Plowman cost of 09/815,309 TL (3 pgs), Preliminary (3 pgs), 28 pgs. Spec. Claims, Abstract, 110 sheets Draw. (58 pgs)	4:30 AM
38007/1403	Seeger, 09/1101,764, Amer. 2 EOT, Ex 1-5, Ch #17495 \$2900.00	4:45 PM
174104/1113	Schneider, 29/120,299, Amendment	4:46 PM
87558/103	Olivas 3 Olivas - Prov App "Lettuce Variety PX408", Trans. spec. Clms. Abs. CK #17473 (\$80)	5:05 AM
064951/0156	Assignment - Recordation Cover Sheet. CK #17483	5:05 AM
064951/0156	Decl., copy Notices, Transmittal, Copy of NTFRMP, 337 (b) CK #17484 \$17484 5:07 AM	5:07 AM
40356/415	Declar. New App. w/ Dec. Notice, P. 1, 10S, 2EOT, CK #17408 \$920	5:10 AM
40356/415	Golden Numa App. w/ Dec. Notice, 10S, 2EOT, CK #17371 \$780	5:10 AM
MR 27	BFS RETAIL & COMMERCIAL OPERATIONS, LLC, Recordation cover sheet	5:31 AM
MR 28	IM ONLY, Assignment	5:31 AM
MR 29	FIRESTONE POLYMERS, LLC: Recordation cover sheet, TM ONLY, Assignment	5:31 AM
MR 30	BFS DIVERSIFIED PRODUCTS, LLC, Recordation cover sheet, TM ONLY, Assignment	5:31 AM
MR 31	BFS BRANDS, LLC, Recordation cover sheet, TM ONLY, Assignment	5:31 AM
MR 32	FIRESTONE POLYMERS, LLC, Recordation cover sheet, Patent only, Assignment	5:31 AM
MR 33	BFS DIVERSIFIED PRODUCTS, Recordation cover sheet, Patent only, Assignment	5:31 AM
MR 34	Neaden et al. 09/976,056 - Trans. by Corr. Appl. Papers, Trans. by Formal Dwg. w/ 5 sheets (slip 1-9) and copy of 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770	

WILLIAM C. C. C.

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MR 46	41082/113
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MR	47	84335.143
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APR 11 1969 37 - MP SEAW. W/ 8870 CLK-# 12.12.1

Gaeke et al. 09/80 5507 - JDS (2 pp.) w/ Form 1449 (2 pp.), 20 Sept 1980

and Int'l. Search Reports

Martin et al. 09800393 - Amniont Mesoderm, HBB gene

Noted 0801 10/29/33 - NO. Permitted w/Dep. Mining. Part
and check # 1/433 for \$80

Notice: I am EBT, IDS W/449 - concept and 8/828 ch #17452
maneuver et al. 01/11/2006

Yas#10A 09/6/8 562	- EOT - 1 met - Amendment	chk # 174-98 \$110
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TADRAUC/I: 09/474,136 Notice of Appeal; 2nd EOT + Check # 17499 for \$6000

	TRANS.	RESPONSE TO NOTICE TO COMPLY	REMARKS IN RESPONSE TO NOTICE TO COMPLY
ROTHSTEIN	04/964,662	-	-

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Handwritten text on lined paper: "The end of the world is not the end of the world."

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TO:	PHONE #:	FAX #:
Mr. Winston Alvarado USPTO	703-305-6421	703-305-3230 and 703-746-6702

From : Mary C. Till
Email Address : mtill@foleylaw.com
Sender's Direct Dial : 202.672.5554
Date : February 5, 2003
Client/Matter No : 072330-0102
User ID No : 2029

MESSAGE:

Per our telephone discussion, please find attached the Petition which was hand carried to the PCT branch on January 16, 2003. A copy of the date stamped postcard is attached.

Duplicate

If there are any problems with this transmission or if you have not received all of the pages, please call 202.672.5340.

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Rec'd PCT/PTO 16 JAN 2003

Receipt is hereby acknowledged of the following:

Applicant: Gunther SCHERER

Serial No.: 09/889,098

Docket No. 072330/0102

Filing Date: October 22, 2001

For: METHOD FOR INDUCING OR PROMOTING AN ANTHOCYANIN COLORATION
IN PLANTS AND/OR FRUIT WHICH BASICALLY PRODUCE ANTHOCYANIN

1. Petition for Restarting Time Period for Replying to Defective Response Under 37 C.F.R. §1.181(a) or, alternatively, Petition to Withdraw Holding of Abandonment Under 37 C.F.R. §1.181(a)
2. Exhibit A: Copy of Fax dated 01/03/02 from USPTO
3. Exhibit B: Copy of Daily Dockets dated 12/14/01 and 12/17/01 for Bernhard D. Saxe *Sealed*
4. Exhibit C: Copy of our PTO Log Book dated 12/14/01 and 12/17/01 indicating what was filed on those dates *Sealed*.

~~HANDCARRY~~~~DELIVER TO MAILROOM~~

PCT Branch

Attn: Winston Alvarado 703-305-6421

Date Due: 01/17/03

Today's Date: 01/16/03

Return to: MMSC/mbw/MCC/adm

Inspected by: *[Signature]*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 072330/0102

In re patent application of

Gunther SCHERER

Group Art Unit: Unassigned

Serial No. 09/889,098

Examiner: Unassigned

Filed: October 22, 2001

Title: METHOD FOR INDUCING OR PROMOTING AN ANTHOCYANIN
COLORATION IN PLANTS AND/OR FRUIT WHICH BASICALLY PRODUCE
ANTHOCYANIN

**PETITION FOR RESTARTING TIME PERIOD FOR REPLYING TO DEFECTIVE
RESPONSE UNDER 37 C.F.R. § 1.181(a) or, alternatively,
PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER
37 C.F.R. § 1.181(a)**

Commissioner for Patents
Washington, D.C. 20231
BOX PCT DO/EO

Sir:

This Petition is filed in reply to the Notice of Defective Response mailed on November 16, 2001. Applicant hereby petitions under 37 C.F.R. § 1.181(a) to request a restart of the period for response to the Notice of Defective Response. Alternatively, even though Applicant has not received a Notice of Abandonment, this petition serves to request withdrawal of the holding of abandonment of the present application for failure to respond to the Notice of Defective Response.

I. SUBSTANCE OF THE NOTICE OF DEFECTIVE RESPONSE

The Notice of Defective Response states that Applicant has submitted the U.S. Basic National Fee, Priority Document, Copy of IPE Report, Copy of the International Search Report, Copy of References Cited in the International Search Report, Copy of the International Application, and Declaration and Preliminary Amendments, but that Applicant must provide a translation of the text in the drawings into English.

Serial No. 09/889,098

Attorney Docket No. 072330/0102

By this Petition Applicant requests a restart of the period for response to address the issues raised in the Notice of Defective Response.

**II. THIS PETITION IS TIMELY AS IT IS FILED
WITHIN TWO WEEKS OF ACTUAL RECEIPT OF
THE NOTICE OF DEFECTIVE RESPONSE**

This Petition is not being filed within one month of the mail date of the Notice of Defective Response or within two months of a Notice of Abandonment. However, the Petition is timely under 37 C.F.R. § 1.181(a) because Applicant or Applicant's representative, Foley & Lardner, had no knowledge of the Notice of Defective Response or that the application was considered abandoned until a telephone communication on January 3, 2003, from Winston Alvarado of the U.S. Patent and Trademark Office (USPTO) to the undersigned. Mr. Alvarado informed Applicant's representative of the failure to respond to the Notice of Defective Response mailed on November 16, 2001. On January 3, 2003, Mr. Alvarado also sent via facsimile a copy of the Notice of Defective Response to Applicant's representative. A copy of this facsimile transmission is attached as Exhibit A. Applicant is submitting this petition within 2 weeks of the actual notice of the receipt of the Notice of Defective Response, *i.e.*, by January 17, 2003. Thus, this petition is timely.

A search of the file jacket and docket records of Foley & Lardner indicates that the Notice of Defective Response was not received. Foley & Lardner maintains docket records of all replies due to the USPTO. The response due in connection with a Notice of Defective Response mailed on November 16, 2001, would have been due within one month of that date, *i.e.*, by December 16, 2001. The daily docket report for the responsible billing partner, Bernhard D. Saxe, for December 14, 2001 and December 17, 2001 (December 16, 2001 was a Sunday) is enclosed in the sealed accompanying envelop as Exhibit B. As the daily docket report indicates, no document of any type relating to Serial No. 09/889,098 was docketed. In addition, Foley & Lardner maintains a manual docket record log of all communications submitted to the USPTO. A copy of the pages for December 14, 2001 and December 17, 2001 (December 16, 2001 was a Sunday) are included in the sealed accompanying envelop as Exhibit C. As the manual docket record log indicates, no documents relating to Serial No. 09/889,098 were filed with the USPTO.

Serial No. 09/889,098

Attorney Docket No. 072330/0102

The information contained in the documents submitted with this petition as Exhibits B and C is proprietary and is submitted only for the purpose of rendering a decision on the subject petition. Once a favorable decision on this petition has been reached, it is respectfully requested that the proprietary information be expunged from the records of the subject application and returned to applicant.

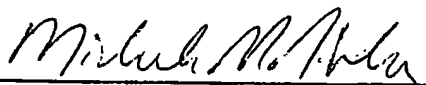
Even though a Notice of Abandonment has not been received by Foley & Lardner, nor has a Notice of Abandonment been sent by the USPTO, this petition serves, in the alternative, as a petition to withdraw a holding of abandonment.

III. CONCLUSION

This Petition is not being filed within one month of the mail date of the Notice of Defective Response, nor within two months of a Notice of Abandonment. However, for the reason set forth above the Petition is timely under 37 C.F.R. § 1.181(a). Accordingly, no fee is believed to be due. See M.P.E.P. 711.03(c) sec. II.

Respectfully submitted,

January 16, 2003
FOLEY & LARDNER
3000 K Street, N.W.
Suite 500
Washington, D.C. 20007-5109
Tel: (202) 672-5300
Fax: (202) 672-5399


Michele M. Simkin
Reg. No. 34,717

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

EXHIBIT A

02/05/2003 16:15 FAX 202 672 54

F&L 4th FLR REAR

007/021

01/03/03 15:33 FAX 703 303 32

USPTO/PCT OPEP

001/003

COPY



PCT OPERATIONS

FACSIMILE TRANSMISSION COVER SHEET

DATE: 01-03-03

TO: Michelle M. Simkin.

TELEPHONE: _____

FAX NO.: 202-672-5399.

FROM: Winston Alvarado.

TELEPHONE: 703-305-6421

FAX NO.: 703-308-4785 OR 703-305-3230

MESSAGE: Attached is a copy of the notification
of defective response mailed on 16 November, 2001.

NUMBER OF PAGES 3 (INCLUDING THIS PAGE)

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889,098	Guenther Scherer	072330-0102

INTERNATIONAL APPLICATION NO.

PCT/DE00/00068

I.A. FILING DATE

01/11/2000

PRIORITY DATE

01/11/1999

Bernhard D Saxe
Foley & Lardner
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, DC 20007-5109

CONFIRMATION NO. 7932

371 FORMALITIES LETTER

0000000007071085

Date Mailed: 11/16/2001

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below.
 - The text in the drawings has not been properly translated.

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of six months.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

02/05/2003 16:16 FAX 202 672 54

F&L 4th FLR REAR

009/021

01/03/03 15:33 FAX 703 303 3

USPTO/PCT OPEP

003/003

Page 2 of 2

COPY

WINSTON M ALVARADO

Telephone: (703) 305-6421

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/889,098	PCT/DE00/00068	072330-0102

EXHIBIT B

COPY

Dec 14, 2001

BERNHARD D. SAXE

Title/Inventors/Action/Notes	Country/Due Date	Appl. No./Appl Date/Client	Atty/ Assoc	Status Docket No.
LIQUID SPECIMEN CONTAINER AND ATTACHABLE TESTING MODULES		09/735550	BDS	Pending
GUIRGUIS RAOUF A	United States of Ameri	12/14/2000		059027-0141
STATUS INQUIRY DUE	12/14/2001	<i>will file stat ing - more 6 mos.</i>		

Instructions:

PROCESS FOR THE PRODUCTION OF WATER-SOLUBLE SALTS OF CARBOXYLIC AND AMINO ACIDS		08/569135	BDS	Granted
EYAL AHARON ; BANIEL AVRAHAM ; PILLARD LAR	United States of Ameri	07/12/1994	BKL	030231-0113
REISSUE DUE	12/14/2001	<i>not filing - remove</i>		

Instructions:

CYTOLOGICAL AND HISTOLOGICAL FIXATIVE COMPOSITION AND METHODS OF USE		99808948.6	BDS	Pending
EL-AMIN MARIANA ; GUIRGUIS RAOUF A	China	06/30/1999	<u>MCC</u>	029658-0189
DEADLINE FOR INSTRUCTIONS	12/14/2001			

LETTER DTD 10/16/2001 RCVD 10/30/2001 - VOLUNTARY AMENDMETNS DUE 12/28/2001 BEW

Instructions:

PROBES FOR MYCOPHID FISH AND A METHOD FOR DEVELOPING THE SAME		09/782604	BDS	Pending
USHA GOSWAMI ; GIACOMO BERNARDI ; SUBHAS	United States of Ameri	02/14/2001		056859-0117
IDS EXTENDED	12/14/2001	<i>EXT</i>		

Instructions:

PHARMACOPHORE RECOMBINATION FOR THE IDENTIFICATION OF SMALL MOLECULE DRUG LEAD COMPOUNDS		09/277461	BDS	Pending
ELLMAN JONATHAN A ; CHOONG INGRID	United States of Ameri	03/26/1999	MEMU	045413-0102
DIVISIONAL APPLICATION	12/14/2001	<i>move to 12/17</i>		

Instructions:

SEX CHRONOSINES-SPECIFIC PROTEINS SPECIES SPECIFIC AND SPERM SPECIFIC PROTEINS AND METHODS FOR THEIR IDENTIFICATION AND ISOLATION		09/731281	BDS	Pending
BLECHER STAN R ; DETMAR JACQUELINE	United States of Ameri	12/07/2000		086671-0112
STATUS INQUIRY DUE	12/14/2001	<i>will file stat ing - more 6 mos</i>		

Instructions:

Dec 14, 2001

COPY

BERNHARD D. SAXE

Title/Inventors/Action/Notes	Country/Due Date	Appl. No./Appl Date/Client	Atty/ Assoc	Status Docket No.
NOVEL PROTEINS INVOLVED IN THE SYNTHESIS AND ASSEMBLY OF O-ANTIGEN IN PSEUDOMONAS AERUGINOSA		09/352994	BDS	Pending
LAM JOSEPH S ; BURROWS LORI L ; CHARTER DE	United States of Ameri	07/13/1999	BKL	086671-0101
Response / 1st Extension Due	12/14/2001			
11/30/01 RECEIVED FAX INSTRUCTIONS TO FILE THE RESPONSE. NR				
Instructions:				

filed 12/14

ANTI-VIRAL VECTORS		09/936572	BDS	Pending
UDEN, MARK ; MITROPHANOUS, Kyriacos	United States of Ameri	09/14/2001		078883-0137
Information Disclosure Statement Due	12/14/2001			
Instructions:				

IDS filed 9/14/01 EXT

PHARMACOPHORE RECOMBINATION FOR THE IDENTIFICATION OF SAMLL MOLECULE DRUG LEAD			BDS	Not yet filed
ELLMAN, Jonathan A. ; CHOONG, Ingrid	United States of Ameri		MEMU1	045413-0110
CONTINUATION	12/14/2001			
NEW CONTINUATION APPLICATION TO BE FILED (ISSUE FEE IN PARENT CASE DUE 11/28/2001 - DRAWINGS AND DIVISIONAL APPLN ARE DUE AT THAT TIME ALSO)				
Instructions:				

move to 12/17

METHOD FOR THE DIRECT DETECTION OF METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRAS)		60/275642	BDS	Pending
SCHRENZEL JACQUES ; FRANCIOS PATRICE	United States of Ameri	03/15/2001		024569-0103
REVIEW FOR USA FILING	12/15/2001			
Instructions:				

move to FFR 11

LIPOMATRIX PREPARATION		09/870691	BDS	Pending
BONI LAWRENCE ; BATENJANY MICHAEL M ; ROB	United States of Ameri	06/01/2001	MMSC	040403-0200-2
IDS EXTENDED	12/15/2001		TWM	
Instructions:				

remove
EXT

COPY

Dec 14, 2001

BERNHARD D. SAXE

Title/Inventors/Action/Notes	Country/Due Date	Appl. No./Appl Date/Client	Atty/ Assoc	Status Bracket No.
* FILTER ASSEMBLY MANIFOLD AND METHOD THEREOF MAYER FILE BY DUE DATE 9/18/01- NO PAPER IN THIS CASE.	United States of Ameri 12/15/2001		AIC BDS	Not yet filed 029658-0216

Instructions:

1 EXT
Prov.

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METHOD FOR THE DIRECT DETECTION OF METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRAS)	60/275642	BDS	Pending
SCHRENZEL JACQUES ; FRANCIOS PATRICE	United States of Ameri 03/15/2001		024569-0103
FOREIGN FILING REMINDER - 9TH MONTH	12/15/2001		

Instructions:

move to FFR II

GLYCOLIPID MIMICS OF MUCIN-TYPE THOMPSEN FRIEDENREICH CARBOHYDRATE ANTIGENS KOGANTY	United States of Ameri 12/15/2001	BAM BDS MMSC	Not yet filed 042881-0126
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Instructions:

remove

SYNTHESIS OF GLYCO-LIPIDS, KIPO-PEPTIDES AND GLYCO-LIPO-PEPTIDES AND THEIR USE IN THE CONSTRUCTION OF LIPOSOME MEMBRANES KOGANTY R. RAO ; JIANG ZI-HUA ; BACH MIMI V ;	United States of Ameri 12/15/2001	BAM BDS MMSC	Not yet filed 042881-0148
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Instructions:

remove

NEW NON-CONVENTION CASE RECEIVED

NEW U.S.A. PROVISIONAL PATENT APPLICATION PER FAX DATED 05/08/2000. BN

NOVEL HERBAL COMPOSITION FOR THE MANAGEMENT OF BRONCHIAL ASTHMA AND A PROCESS OF MANUFACTURING THE SAME BRINDAVANAM NARASHIMA BABA ; KATYAR CHA	United States of Ameri 06/15/2001	BDS	Pending 056859-0128
6-Mo Foreign Filing Reminder	12/15/2001		

Instructions:

move to FFR 9

NOVEL HERBAL COMPOSITION FOR THE MANAGEMENT OF BRONCHIAL ASTHMA AND A PROCESS OF MANUFACTURING THE SAME BRINDAVANAM NARASHIMA BABA ; KATYAR CHA	United States of Ameri 06/15/2001	BDS	Pending 056859-0128
IDS EXTENDED	12/15/2001		

Instructions:

EXT

Dec 17, 2001

Daily Docket

COPY

BERNHARD D. SAXE

Title/Inventors/Action/Notes	Country/Due Date	Appl. No./Appl Date/Client	Atty/ Assoc	Status Docket No.
LIPOMATRIX PREPARATION		09/870691	ELMC BDS	Pending
BONI LAWRENCE ; BATENJANY MICHAEL M ; ROB	United States of Ameri	08/01/2001	MMSC TWM	040403-0200-2

IDS EXTENDED

12/15/2001

transferred to MMSC as PBP

Instructions:

PHARMACOPHORE RECOMBINATION FOR THE IDENTIFICATION OF
SAMLLE MOLECULE DRUG LEAD

ELLMAN, Jonathan A. ; CHOONG, Ingrid

United States of Ameri

BDS Not yet filed

MEMU1

045413-0110

CONTINUATION

12/17/2001

NEW CONTINUATION APPLICATION TO BE FILED (ISSUE FEE IN PARENT CASE DUE 11/28/2001 - DRAWINGS AND
DIVISIONAL APPLN ARE DUE AT THAT TIME ALSO)

Instructions:

move to 12/18

EXHIBIT C

183

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

Received from < 202 672 5443 > at 2/5/03 4:19:39 PM [Eastern Standard Time]

Received from < 202 672 5443 > at 2/5/03 4:19:39 PM [Eastern Standard Time]

184

CEG/12511-2-117

COPIES

A hand-drawn graph on lined paper. The vertical axis (y-axis) is labeled 'COP' and the horizontal axis (x-axis) is labeled 'Q'. There are four upward-sloping curves drawn on the graph, all starting from the y-axis and increasing as they move to the right. The curves are roughly parallel and spaced out vertically.

Monday, December 17, 2001

井田

[illegible]

Received from < 202 672 5443 > at 2/5/03 4:19:39 PM [Eastern Standard Time]

186

WILLIAM J. WILSON

AKD 776088-87

NR 4/ 89187-374

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NR 43 88305-135

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